

Appln No. 10/647,076

Amdt date November 22, 2004

Reply to Office action of June 23, 2004

REMARKS/ARGUMENTS

In the Office action dated June 23, 2004, the examiner objected to the specification for failing to provide proper antecedent basis for, and to the drawings for failing to show the perforated plate recited in claim 7. Applicant has amended claim 7 to recite a "perforated bottom of the container." This perforated bottom of the container is disclosed in the specification at page 26, lines 9-16, and shown as reference numeral 3c in Fig. 8. Accordingly, applicants request withdrawal of this objection.

The examiner also rejected claims 1-4, 7 and 12-14 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,363,592 to Weder, et al. Independent claims 1 and 8 recite a "selective moisture vapor-permeable portion comprising a nonporous hydrophilic film" that prevents direct contact between the plant body and the external water, and applicant has amended independent claim 12 to recite the same. Weder fails to disclose such a structure. Rather, Weder discloses a liner within which both a growing medium, such as water, and a propagule, such as a plant, are contained. (See Column 3, lines 17-21, and Column 3, lines 30-40). In this configuration, water is in direct contact with the plant body. As such, Weder discloses an arrangement exactly opposite the one claimed in the present application. Applicant therefore submits that independent claims 1, 8 and 12, and all claims dependent therefrom, including claims 2-4, 7, 13 and 14, are allowable over Weder.

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In addition, the examiner rejected claims 5 and 6 under 35 U.S.C. § 103(a) as unpatentable over Weder. Claims 5 and 6 each depend from independent claim 1, which is allowable over Weder as discussed above. Accordingly, claims 5 and 7 are also allowable over Weder.

Finally, the examiner rejected claims 8-11 under 35 U.S.C. § 103(a) as unpatentable over JP 7-45169 to Sakai in view of Weder. However, Sakai fails to remedy the deficiencies of Weder. Sakai discloses the use of a porous film such as polytetrafluoroethylene. (See Column 5, lines 41-43 or page 10, par. 3 of English translation). The examiner takes the position that it would have been obvious to use the cellophane film of Weder in place of the microporous film of Sakai. Because the films used in Weder are non-porous, and the film of Sakai is microporous, it would not have been obvious to one of ordinary skill in the art to replace one with the other.

Furthermore, the use of a non-porous hydrophilic film in the present application exhibits unexpected and desirable results, as described in the Declaration under Rule 132 of Akihiro Okamoto filed with the Preliminary Amendment filed January 20, 2004. Accordingly, claims 8-11 are allowable over Sakai in view of Weder.

Claims 1-14 remain pending in this application. Applicants have amended claims 7 and 12 and submit that each of pending claims 1-14, as amended, are in condition for allowance. Applicants therefore request a timely indication of allowance. However, if there are any remaining issues, the examiner is asked to contact Applicants' counsel at the number below.

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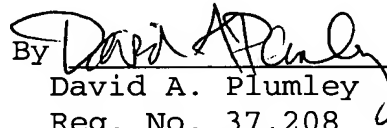
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Applicant also submits a copy of an Information Disclosure Statement filed on August 22, 2003. The examiner failed to initial the references and return a copy of FORM PTO/SB/08A/B. Such action is requested at this time.

Respectfully submitted,

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